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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,100	07/26/2001	James F. Kost	GST-P-01-002	8434

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,100

Applicant(s)

KOST ET AL.

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 and 34-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-48 are pending.
2. Response to the requirement for restriction filed on 03/17/2005 has been received and considered.

Election/Restrictions

3. Applicant's election of Group II (claims 9-33) in the reply filed on 03/17/2005 is acknowledged.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 9-11, 15-20, 22, 24, and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Tarry (US 6881067).

As per claim 9, Tarry discloses a process for conversion of a video presentation to an electronic media format, the process comprising: providing a source file having signals; providing a

video capture board having means receiving signals from the source file; interpreting the signals received the video capture board; converting signals received by video capture board to digital data; producing a pre-processed file from the digital data of the video capture board; and producing output from the pre-processed of the video capture board (see column 3 lines 17-20, 39-42 and column 4 lines 15-38).

As per claims 10 and 11, Tarry discloses the finished file output is an analog or digital video presentation (see column 3 lines 17-23).

As per claim 15, Tarry discloses providing an input associated with the video capture board wherein the video capture board acquires the signals from the source file (see column 3 lines 7-23).

As per claim 16, Tarry discloses retrieving the finished file output produced from the pre-processed file wherein the finished file output is in an uncompressed format (see column 4 lines 15-19).

As per claim 17, Tarry discloses retrieving the finished file output produced from the pre-processed file wherein the finished file output is visual finished file output (see column 4 lines 15-53).

As per claims 18 and 19, Tarry discloses retrieving the finished file output produced from the pre-processed file wherein the finished file output is an audio or video finished file output (see column 3 lines 46-60).

As per claim 20, Tarry discloses creating delays to maintain synchronization between the audio output and the visual output (see column 3 lines 61-65).

As per claims 22 and 24, Tarry discloses encoding the audio and video output (see column 4 lines 8-20).

As per claim 33, Tarry discloses creating a rim buffering system for playback of the finished file output (see column 3 lines 36-45).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarry as applied to claim 9 above, and further in view of Applicants admissions.

As per claims 12-14, Tarry fails to disclose modifying the image size, frame rate and re-sampling audio.

However, Applicant's admissions on page 18 lines 17-21 on the specification disclose these limitations.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Applicant's admitted prior art to modify the video and audio of Tarry.

Motivation to do so would have been to modify the image size.

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tarry as applied to claim 20 above, and further in view of Usui (JP 11088847).

As per claim 21, Tarry fails to disclose correcting for cumulative errors from loss of synchronization of the audio output and the visual output.

However, Usui teaches such a limitations (see translated abstract).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to correct the synchronization errors of Tarry.

Motivation to do so would have been to automatically correct the sense of incompatibility caused by a timing difference in the transmission delay (see translated abstract)

9. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tarry as applied to claim 22 above, and further in view of Ueki (US 6285632).

As per claim 23, Tarry fails to disclose selecting a desired transfer rate for adjusting encoding levels for the audio output and the visual output.

However, Ueki teaches such a selection (see column 21 lines 29-64).

Motivation to do so would have been to be in accordance with the type of the recording mode (see column 21 lines 29-64).

10. Claims 28 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarry as applied to claim 9 above, and further in view of Chen et al (US 20020122137).

As per claim 28, Tarry fails to disclose dividing the finished file output into a predetermined size of incremental segments; and multiplexing the predetermined size of incremental segments into one bit stream.

However, Chen et al teaches such a limitation (see paragraph 32).

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At the time of the invention it would have been obvious to a person of ordinary skill in the art to divide Tarry's output into segments.

Motivation to do so would have been to segment the parts into beginning, middle and end portions (see paragraph 32).

As per claim 30, the modified Tarry and Chen et al system discloses the bit stream is an alternating pattern of signals (see Chen et al paragraph 32).

As per claim 31, the modified Tarry and Chen et al system discloses incorporating intentional delays into the bit stream while encoding the bit stream (see Tarry column 3 lines 61-65).

11. Claims 25 and 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tarry as applied to claims 9 and 24 above, and further in view of Menezes et al (Handbook of Applied Cryptography).

As per claim 25, Tarry fails to disclose encrypting the encoded output.

However, Menezes teaches encryption of data (see page 12).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to encrypt the encoded output of Tarry.

Motivation to do so would have been to achieve confidentiality (see page 12).

As per claim 32, Menezes teaches decryption of the encrypted data (see page 12).

12. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tarry as applied to claim 9 above, and further in view of Microsoft Press Computer Dictionary Second Edition definition of multiplexing (hereinafter Microsoft).

As per claim 26, Tarry fails to disclose multiplexing the output.

However, Microsoft teaches multiplexing (see page 265).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to multiplex the output of Tarry.

Motivation to do so would have been to transmit a number of separate signals simultaneously over a single channel (see page 265).

13. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Tarry and Microsoft system as applied to claim 26 above, and further in view of Menezes et al.

As per claim 27, the modified Tarry and Microsoft system fails to disclose encrypting the multiplexed output.

However, Menezes teaches encryption of data (see page 12).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to encrypt the encoded output of the modified Tarry and Microsoft system.

Motivation to do so would have been to achieve confidentiality (see page 12).

14. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Tarry and Chen et al system as applied to claim 28 above, and further in view of Menezes et al.

As per claim 29, the modified Tarry and Microsoft system fails to disclose encrypting the multiplexed output.

However, Menezes teaches encryption of data (see page 12).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to encrypt the encoded output of the modified Tarry and Microsoft system.

Motivation to do so would have been to achieve confidentiality (see page 12).

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zhu et al (US 5812699) and Janko et al (US 5940124) teach converting video.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael

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Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER